

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DR. BRIMA SYLLA, et al.,

Civil Case No. 23-5261

Plaintiffs,

-against-

AMAZON LABOR UNION, and CHRIS SMALLS,
As President of the Amazon Labor Union,

**AFFIRMATION OF RETU
SINGLA IN OPPOSITION TO
ORDER TO SHOW CAUSE
FOR TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

Defendants.

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RETU R. SINGLA, a Partner at the Law firm of Julien, Mirer, Singla & Goldstein, PLLC, general counsel for Defendant Amazon Labor Union and its President Christian Smalls, affirms under the penalty of perjury.

1. Plaintiffs allege in this lawsuit that immediate elections are required pursuant to a document purported to be “the second constitution.” In fact, the so-called second constitution was never completed, let alone adopted, as further described herein.
2. This firm became general counsel to the Amazon Labor Union on or about April 20, 2022.
3. Beginning on or about May 16, 2022, I, along with my law partners, worked with the Amazon Labor Union to revise their 2021 Constitution.
4. On June 2, 2022 Connor Spence contacted me that he wanted to coordinate a “final call” to finalize the changes to the Constitution and ratify it. (See Exhibit 1)
5. These revisions of the 2021 ALU Constitution were never finalized and in fact were suspended as on or about June 6, 2022, I along with my law partners represented the Amazon Labor Union in trial in cases 29-CA-277198; 29-CA-276926; 29-CA-277598; 29-

CA-278701; 29-CA-278982, 29-CA-285445; and 29-CA-286272 before an Administrative Law Judge at Region 29 of the National Labor Relations Board.

6. Moreover on or about June 13, 2022, I acted as lead counsel with my law partner, Jeanne Mirer to represent the Amazon Labor Union in a hearing on Objections under Case 29-RC-288020 against the certification of the representation election in which the Amazon Labor Union won an election for purposes of collective bargaining at JFK8 in Staten Island, NY. This day-to-day public trial was conducted over 24 business days with testimony completed on July 18, 2022.
7. The closing brief on this hearing was filed on August 1, 2022 and required a review of a 5,143 page transcript.
8. On October 3, 2022 the Amazon Labor Union's Brief in Opposition to Amazon.com Service's Exception to the hearing officer's report was filed in Case 29-RC-288020 to support the certification of representation.
9. From August 16, 2022 to October 18, 2022 I was engaged by the ALU as general counsel in support of their representational election at Amazon ALB1 under Case 03-RC-301507.
10. On October 25, 2022 I was engaged by the ALU to file its Objection to the representation election at ALB1 under Case 03-RC-301507.
11. In early November 2022, I received notification from the Executive Board of the ALU that a "2022 Constitution" was present on their website and that they were removing it. They also advised me that Connor Spence admitted to filing a "2022 Constitution" and that the Executive Board wanted an amended LM-1 to be filed.
12. After learning of this I spoke to Connor Spence and explained that the LM-1 must be amended as the 2022 Constitution he attached was never finalized, much less adopted.

13. The Executive Board meetings which Connor Spence attended were recorded by the ALU.

I have reviewed the November 6, 2022 Executive Board recording. Connor Spence states in response to scheduling a meeting to revise the 2021 Constitution, that he has just gotten off the phone with me and that he knew where my confusion came from as: "Retu doesn't know that we incorporated a lot of the changes she already made the first round. So like the ... article that deals with membership, like we took out the part about having a collective bargaining agreement and that's the one that's filed with the LM 1. So we can still go through it. But she will see that like a lot of her incorporations already in there. So you might not need all that time, but ... remember what Retu did was we gave her the original constitution. She went through and she made like the red line changes what she thinks the language should be. And then we just took that. We just got rid of like the cross that words made that the, the black language and that's what was submitted. ... And everyone should vote on it just, or like, you know, get input from Retu or whoever else is on, but you know, what they think needs to be cleaned up legally. But I don't, I really don't think there's much, because we went through each article with them that, you know, when we did that round of calls, like right after the election, I think maybe what we do is like have them look at it and then present it for a vote. If people wanna make amendments, just vote on the amendments right there. I think that's the most efficient way. (ECF3 para 12, ECF4 para 6)

14. In November 2022, I, along with my law partners, met with the ALU Executive Board to finalize the revisions of the 2021 Constitution.

15. On November 18, 2022 I sent a copy of the final revised ALU Constitution to Connor Spence. (See Exhibit 2)

16. At no time in June 2022 was a final revision of the ALU Constitution completed.
17. At no time in June 2022 or at any point thereafter did Conner Spence notify me that he was calling a vote on an application called “Slack” for approval of an ALU Constitution.
18. At no time in June 2022 or at any point thereafter did Conner Spence ask me to review any LM-1 form nor the Constitution he was filing with the US Department of Labor.
19. On June 20, 2022 Connor Spence emailed me a copy of the ALU LM-1 without attaching the fraudulent version of the Constitution he filed, I assumed that he had filed the 2021 Constitution, as that was the only Constitution ever adopted. (See Exhibit 3)
20. At no point in June 2022 did the ALU hold an election after gathering members in a meeting and vote to amend the constitution and provide for an election within two months of an NLRB certification. (ECF3 para 4) This law firm is not “running” the ALU. (ECF3 para 5)
21. Under Section 10.6 of both the 2021 and the November 2022 Constitution, no Union member can bring a lawsuit in any court, in any matter, involving an issue arising out of their membership without having first exhausted all of the remedies available under the constitution. Under Article 9 of both the 2021 and November 2022 Constitutions, any member can file charges against officers and members of the Union. Upon information and belief, Plaintiffs have failed to exhaust internal Union remedies.

/s/ Retu Singla
Retu Singla, Esq.
Julien, Mirer, Singla & Goldstein
1 Whitehall St., 16th Floor
New York, NY 10004
rsingla@workingpeopleslaw.com
tel: (212) 231-2235

EXHIBIT 1



Retu Singla <rsingla@workingpeopleslaw.com>

Fwd: ALU LM-1 filing

Connor Spence <connor@amazonlaborunion.org>

Thu, Jun 2, 2022 at 6:55 PM

To: Jeanne Mirer <jmirer@julienmirer.com>

Cc: Retu Singla <rsingla@workingpeopleslaw.com>, Ria Julien <rjulien@julienmirer.com>, "chrismalls21@gmail.com" <chrismalls21@gmail.com>

Yes, Withum. I'm going to coordinate another zoom with them in the coming days, what info do you need? I understand we need to finalize the changes to the constitution and ratify it, so let's coordinate a final call for that as well. Is there anything else we'll need to do?

On Thu, Jun 2, 2022 at 5:46 PM Jeanne Mirer <jmirer@julienmirer.com> wrote:

Do they have an accountant?

Sent from [Mail](#) for Windows

From: Retu Singla

Sent: Thursday, June 2, 2022 5:34 PM

To: Ria Julien; Jeanne Mirer; chrismalls21@gmail.com; Connor Spence

Subject: Fwd: ALU LM-1 filing

FYI

They want it by 6/21

Please note new name and address

Julien, Mirer & Singla, PLLC

A Working People's Law Center

One [Whitehall Street](#), 16th floor

New York, NY 10004

www.workingpeopleslaw.com

Tel: (212) 231-2235

Mobile: (646) 228-4729

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rsingla@workingpeopleslaw.com

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CONFIDENTIALITY NOTICE: The preceding e-mail message (including any attachments) contains information that may be confidential, protected by the attorney-client privilege or other applicable privileges, protected by the right of privacy, or constitute other non-public information. It is intended to be conveyed only to the designated recipient(s). If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete it from your system. Use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful. If you have received this communication in error, please notify me by electronic mail or by telephone immediately, and delete this communication including any attachments. Thank you.

Begin forwarded message:

From: Seth Goldstein <sgoldstein@opeiu-tristate.org>
Date: June 2, 2022 at 5:25:28 PM EDT
To: Retu Singla <rsingla@workingpeopleslaw.com>
Subject: Fwd: ALU LM-1 filing

Begin forwarded message:

From: "Cautero, Gregg L - OLMS" <Cautero.Gregg@dol.gov>
Date: June 2, 2022 at 5:23:36 PM EDT
To: Chris Smalls <chrismalls21@gmail.com>
Cc: Seth Goldstein <sgoldstein@opeiu-tristate.org>
Subject: ALU LM-1 filing

Hi Chris,

Hope you're having a productive trip. This is a friendly reminder that the LM-1 report is due soon.

Please try to have the filing completed by the compliance assistance seminar date of June 21st. My National Office keeps inquiring about it.

I will talk to you next week to firm up who from ALU will be attending the seminar.

Thanks much,

Gregg

G. L. Cautero, Investigator



U.S. Department of Labor - OLMS

201 Varick Street, Room 878

New York, NY 10014

(646) 264-3149 (desk phone)/(202) 680-9156 (mobile)

(646) 264-3191 (fax)

EXHIBIT 2



Retu Singla <rsingla@workingpeopleslaw.com>

New Constitution and Bylaws

Retu Singla <rsingla@workingpeopleslaw.com>
To: Connor Spence <connor@amazonlaborunion.org>

Fri, Nov 18, 2022 at 3:27 PM

Sent from my iPhone



Constitution-and-By-Laws-2.pdf
359K

EXHIBIT 3



Retu Singla <rsingla@workingpeopleslaw.com>

ALU LM-1

Connor Spence <connor@amazonlaborunion.org>

Mon, Jun 20, 2022 at 10:31 PM

To: Retu Singla <rsingla@workingpeopleslaw.com>, rjulien@julienmirer.com, jmirer@julienmirer.com, Eric Milner <Emilner@simonandmilner.com>, Seth Goldstein <sgold352002@icloud.com>

Find attached



ALU LM-1.pdf
17K

U.S. Department of Labor
Office of Labor-Management
Standards
Washington, DC 20210

FORM LM-1

LABOR ORGANIZATION INFORMATION REPORT

Form Approved
Office of Management and Budget

No: 1245-0003

Expires: 01/31/2025

This report is mandatory under P.L. 86-257, as amended. Failure to comply may result in criminal prosecution, fines, or civil penalties as provided by 29 U.S.C. 439 or 440.

For Official Use Only

READ THE INSTRUCTIONS CAREFULLY BEFORE PREPARING THIS REPORT

Identification Items (To be completed by all filers)

1. File Number:

2. What is your organization's fiscal year ending date?

Dec/ 31

3. Is this the first Form LM-1 your organization has filed?



Yes, this is an INITIAL FORM LM-1.



No, this is an AMENDED FORM LM-1.

(Complete Items 2 through 21.)

(Complete Items 1 through 9, 18, 20, and 21.)

4. Affiliation or Organization Name Amazon Labor Union

5. Designation (Local, Lodge, etc.)

6. Designation Number

Prefix

Number

Suffix

7. Unit Name (if any)

8. Mailing Address

Name: Connor Spence

Title: Secretary-Treasurer

P.O. Box, Bldg., Room No., if any:

Street: 900 South Ave

City: Staten Island

State: NY

ZIP Code + 4: 10314

9. Any other address where records necessary to verify this report are kept:

Name :

Title:

Organization:

P.O. Box, Bldg., Room No., if any:

Street:

City:

State:

ZIP Code + 4:

Signatures

Each of the undersigned, duly authorized officers of the above labor organization, declares, under penalty of perjury and other applicable penalties of law, that all of the information submitted in this report (including the information contained in any accompanying documents) has been examined by the signatory and is, to the best of the undersigned's knowledge and belief, true, correct, and complete. (See the section on penalties in the instructions.)

20. SIGNED: Christian Smalls

PRESIDENT

(If other title, see instructions)

21. SIGNED: Connor Spence

SECRETARY-TREASURER

(If other title, see instructions)

On Date: 06/20/2022

Telephone Number: 201-283-6658

On Date: 06/20/2022

Telephone Number: 848-210-0636

Name of Organization : Amazon Labor Union				File Number :			
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Information Items (To be completed by initial filers only)							
10. Where is your organization chartered to operate? City : Staten Island County : Richmond County State : NY				11. When is your organization's next regular election of officers? Month : Apr Year : 2024			
12. Are any of your organization's members: <input checked="" type="checkbox"/> Private Industry Employees <input type="checkbox"/> U.S. Postal Service Employees <input type="checkbox"/> Federal Government Employees (Check as many boxes as are applicable)			13. Is your organization: <input checked="" type="checkbox"/> A Local, Lodge, Branch, etc. <input type="checkbox"/> An Intermediate Body (a conference, general committee, joint board, system) <input type="checkbox"/> A National or International			14. What are your organization's expected annual receipts (dues, fees, etc.): <input type="checkbox"/> Less than \$10,000 <input type="checkbox"/> \$10,000 - 249,999 <input checked="" type="checkbox"/> \$250,000 or more	

15. List the names and titles of all your organization's officers.							
Name				Title			
Christian Smalls				President			
Anqelika Maldonado				Vice President			
Connor Spence				Secretary-Treasurer			
Michelle Valentin Nieves				Executive Secretary			

16. What are your organization's rates of dues and fees? (Enter a minimum and maximum if more than one rate applies for any line.)							
a. Regular Dues/Fees	\$ 5	per	Week (month, year, etc.)	Minimum	N/A	Maximum	N/A
b. Working Dues	\$ N/A			Minimum	N/A	Maximum	N/A
c. Initiation Fees	\$ N/A			Minimum	N/A	Maximum	N/A
d. Transfer Fees	\$ N/A			Minimum	N/A	Maximum	N/A
e. Work Permits	\$ N/A	per	N/A (month, year, etc.)	Minimum	N/A	Maximum	N/A

17. Two copies of your organization's current constitution and bylaws must be filed with this report. Under certain circumstances, your parent national or international organization may file copies on your behalf (see the instructions for this item). Is your parent national or international submitting copies on your behalf?	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Constitution and By-Laws 2022.pdf

Name of Organization Amazon Labor Union	File Number :
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Practices and Procedures (To be completed by all filers except Federal employee labor organizations subject solely to Title VII of the Civil Service Reform Act or Chapter 10 of the Foreign Service Act)		
18. Enter in Column (1) the page number and section or paragraph number of your organization's constitution and bylaws where the listed practice or procedure is described. Or, if not described in the constitution and bylaws, check the box in Column (2) and provide a description of the practice or procedure in Item 19 or on an attached page.		
Practice or Procedure	(1) Page, Section, and/or Paragraph Number of Constitution and Bylaws	(2) Described in Item 19
a. Qualifications for or restrictions on membership	2.1	a. <input type="checkbox"/>
b. Levying assessments	8.1	b. <input type="checkbox"/>
c. Participating in insurance or other benefit plans		c. <input checked="" type="checkbox"/>
d. Authorizing disbursement of labor organization funds	8.2	d. <input type="checkbox"/>
e. Auditing financial transactions of the labor organization	3.4	e. <input type="checkbox"/>
f. Calling regular and special meetings	7.1	f. <input type="checkbox"/>
g.1. Selecting officers and stewards and selecting any representatives to other bodies composed of labor organizations' representatives.	2.3	g.1. <input type="checkbox"/>
g.2. Invoking procedures by which a member may protest a defect in the election of officers (including not only all procedures for initiating an election protest but also all procedures for subsequently appealing an adverse decision, for example, procedures for appeals to superior or parent bodies, if any)	6.2	g.2. <input type="checkbox"/>
h. Disciplining or removing officers or agents for breaches of their trust	9.1	h. <input type="checkbox"/>
i. Imposing fines and suspending or expelling members including the grounds for such action and any provision made for notice, hearing, judgment on the evidence, and appeal procedures	9.1	i. <input type="checkbox"/>
j. Authorizing bargaining demands	4.1	j. <input type="checkbox"/>
k. Ratifying contract terms	13	k. <input type="checkbox"/>
l. Authorizing strikes	4.1	l. <input type="checkbox"/>
m. Issuing work permits		m. <input checked="" type="checkbox"/>

Additional Information (To be completed by all filers, as necessary)	
19. Additional Information	
ITEM 18.c: N/A	
ITEM 18.m: N/A	

VALIDATION SUMMARY PAGE	File Number :